



MEMORANDUM

TO: Superintendents and Principals

FROM: Cathy Danyluk, Chief State Attendance Officer

DATE: August 27, 2010

SUBJECT: Enrollment Restrictions and Denial of Enrollment

Individuals cannot be denied enrollment for the following reasons. They must be enrolled immediately.

- Lack of a birth certificate. A student must have a birth certificate or other reliable proof of the student's date of birth (IC 20-33-10(a)(2)). Failure to provide a birth certificate or other reliable proof of the date of birth within 30 days of enrollment may result in a report to the Indiana Clearinghouse for Missing and Exploited Children (ICMEC) at 800-831-8953.
- Showing up late for the beginning of the semester. The compulsory school attendance law requires attendance and requires the school administrator to ensure that children of compulsory school attendance age are enrolled (IC 20-8.1-2-29).
- Not having rental receipts, a mortgage document, driver's license, social security card, lease agreement or other forms of official identification. State law does not require any document with an address as a prerequisite to enrollment. Asking for any document to assist in determining legal settlement or right to attend school based on the location of the residence is appropriate. However, if the parent does not have documents or proof of residence a child cannot be denied attendance for that reason alone. Attendance officers [or school officials] have authority to investigate the residence of parents to ensure compliance with state law. Children may not be removed from school without due process of law (I.C. 20-33-8-17; I.C. 20-33-8-19).
- Not being a citizen of the country or the state. A child must be in school in Indiana if the child will reside in the state for at least 30 days (511 IAC 1-7-1). Note: Enrollment must be immediate when intent to remain for 30 days is determined. This is without regard to legal domicile (I.C. 20-33-2-3).
- Being an undocumented alien. Children of undocumented aliens must be allowed to attend public school (*Plyler v. Doe*, 457 US 202 (1982))

- Not having a stable residence. Homeless children must be accommodated and may not be removed from school for legal settlement reasons alone. Contact the Christina Endres, State Coordinator, McKinney Vento Program, 317/232-0548 or endres@doe.in.gov.
- If a parent moves out of the district the child may remain in the school at the parent's discretion until at least the end of the semester (I.C. 20-26-11-2(8)).
- Lack of immunization. Children must be enrolled in school whether or not they have required immunizations. If they do not have the required immunizations and the school refuses to grant a statutorily allowed 20 day waiver, the child may be excluded from school.
- Not speaking English.
- Adults over the age of 18. While a student is required to attend school until the age of 18 per the compulsory attendance law (I.C. 20-33-2), this code does not specify an age of which they can no longer attend. Individuals have a constitutional right to attend school until they have received a high school diploma. Receipt of a GED is not equivalent to a high school diploma and does not extinguish the right to earn a high school diploma. Schools do have the right to determine the placement within their jurisdiction. Placement might include: traditional school schedule; alternative placement; credit recovery; adult education, etc. as long as the student is still able to earn a diploma.

The final arbiter of the right to attend school and legal settlement is the Indiana State Board of Education (I.C. 20-26-11-15). The parent of any child denied the right to attend school or expelled due to lack of legal settlement should be advised of the right to appeal to the State Board of Education.

Please contact Cathy Danyluk, Chief State Attendance Officer at 317/232-9150 or cdanyluk@doe.in.gov if you have questions.